

REMARKS/ARGUMENTS

In the Office Action issued August 22, 2005, claims 1-85 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,574,678 to NyKanen et al. (NyKanen) in view of US Patent Application Publication No. 2005/0089052 to Chen et al. (Chen).

Claims 1-85 are now pending in this application. Claims 1, 24, 44, and 65 have been amended to clarify the subject matter that the applicant considers to be the invention.

The applicant respectfully maintains the traversal of the Examiner's reliance upon Chen as a prior art reference in this application. The Applicant is unable to locate subject matter in the parent application of Chen, US Patent Application No. 09/773,103, or in the provisional applications of which Chen claims the benefit, Provisional Application No. 60/179,042 and Provisional Application No. 60/189,870, which corresponds to the subject matter that the Examiner uses in the rejection of the present application. The Examiner's assistance is requested in identifying for the Applicant those portions of applications nos. 09/773,103, 60/179,042, and 60/189,870 that support the subject matter of Chen that the Examiner uses in the rejection of the present application..

In addition to the above-stated traversal, the applicant respectfully submits that the present invention, according to claims 1-85, is not obvious over NyKanen in view of Chen, because even if NyKanen and Chen were combined as suggested by the Examiner, the result would not be the present invention, as claimed. NyKanen discloses a method for installing at least one service of at least one external device to a data processor. Said

at least one service can be used for controlling the functions of said external device from the data processor. In the method, a local area link is established for transferring information between said data processor and said at least one external device. From said at least one external device, it is determined which are the services available in it. In the data processor (PC, LPC, PR), there is at least one service packet. The service packet is installed, which contains at least one of said services available in the wireless communication device.

Chen discloses a broadband communications access device. Chen (Page 15. Para 0223) discloses a mechanism wherein the server authenticates the users who desire to login by distributing and managing individual certificates. By contrast, the present invention, for example, according to claim 1, requires executing the command at the wireless device after verifying at the wireless device that the signature of the command and signature of the device are in agreement. Thus, the present invention is directed to a wireless device verifying the signature of the command sent by a server and the signature in the device. In the present invention, it is the wireless device that is authenticating the server issuing the command because it is important that only authorized servers send commands to wireless devices. Hence, when a command is sent from a server, the signature associated with the command is verified against the signature stored in the device at the device. If the signature cannot be verified the command will not be executed. This is fundamentally different than the server-based authentication of users disclosed by the combination of NyKanen and Chen.

Thus, the present invention, according to claim 1, and according to claims 24, 44, and 65, which are similar to claim 1, and according to claims 2-23, 25-43, 45-64, and 66-85, which depend therefrom, is not unpatentable over NyKanen in view of Chen.

In addition to the reasons discussed above, claims 6, 29, 49, and 70 are not unpatentable over the combination of NyKanen and Chen for the additional reason that NyKanen, col 3, lines 12-22, refers to deciding on the features a device supports. Since this prior art is about installing services on devices, it is important to know the device type and the services it supports. Whereas, the present invention refers to executing commands on any device independent of the services it supports.

In addition to the reasons discussed above, claims 7, 30, 50, and 71 are not unpatentable over the combination of NyKanen and Chen for the additional reason that NyKanen, col 3, lines 12-22, teaches how to avoid collisions during communications. This is a well known solution to the problem of multiple access of shared links in wireless networks. The claim refers to a periodic connection between the server and the wireless device for the purpose of sending commands and does not refer to the issue of multiple access in wireless networks.

In addition to the reasons discussed above, claims 8, 31, 51, and 72 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Chen, Page 6, Paragraph. 0085, teaches how to overcome the limitations of wireless communication range in piconets by use of scatternets. Whereas, the present invention refers to a command being sent from the server to the wireless device based on a threshold condition.

In addition to the reasons discussed above, claims 9, 20, 32, 42, 52, 63, 73, and 84 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Chen, Page 14, Paragraph 203, teaches the uses of the standard Transport layer security protocol (TLS). Security of messages can be assured using TLS. Authentication of communicating partners is unrelated to communication security. Whereas the present invention relates to changing the state of the device by an authenticated server (enabling/disabling, erasing all or part of the contents, etc). The prior art as described in Nykanen, col 2 lines 55-65, describes a method to find the services or applications available on the wireless device, not a mechanism to disable or wipe these services.

In addition to the reasons discussed above, claims 10, 21, 33, 43, 53, 64, 74, and 85 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Nykanen, col. 5, lines 55-61, describes a mechanism by which communication takes place over a local area link. The transmission of message interrupts the controller. Whereas the present invention relates to an acknowledgement from the wireless device to the server after the execution of a command.

In addition to the reasons discussed above, claims 11, 22, 34, 54, and 75 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Nykanen, col. 5, lines 55-61, describes a mechanism by which communication takes place over a local area link. The transmission of message interrupts the controller, and the communication can be spontaneous. Whereas, the present invention relates to an

acknowledgement from the wireless device to the server after the execution of a command that is sent periodically.

In addition to the reasons discussed above, claims 12, 23, 55, and 76 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Chen, Page 6, Paragraph. 0085, teaches how to overcome the limitations of wireless communication range in piconets by use of scatternets. Whereas, the present invention refers to an acknowledgment sent from the wireless device to the server after the execution of a command. This acknowledgment is sent based on a threshold condition. This is important because the communication from the wireless device to the server should be governed by a policy (threshold condition) that may be based on cost, distance, coverage etc and not sent as soon as a command is executed.

In addition to the reasons discussed above, claims 15, 18, 37, 40, 58, 61, 79, and 82 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Nykanen, col. 5, lines 55-61, describes a mechanism by which communication takes place over a local area link. The transmission of message interrupts the controller. And the communication can be spontaneous. Whereas the present invention relates to a periodic connection from the wireless device to the server.

In addition to the reasons discussed above, claims 16, 19, 38, 41, 59, 61, 80 and 83 are not unpatentable over the combination of NyKanen and Chen for the additional reason that Chen, Page 6, Paragraph. 0085, teaches how to overcome the limitations of wireless communication range in piconets by use of scatternets. Scatternet enables the extension of the communication range of two network elements than that would be

possible in just piconets. Whereas the present invention relates to a connection being established from the wireless device to the server command based on a threshold condition.

Thus, for these additional reasons, the above listed claims are not unpatentable over the combination of NyKanen and Chen.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19527.0004).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Schwartz", with a stylized flourish at the end.

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